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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-945*

11 **KAREN M. GALVEZ AKA KAREN**
12 **MICHELLE GALVEZ**

A C C U S A T I O N

13 4623 Willis Avenue, #104
14 Sherman Oaks, CA 91403

15 Registered Nurse License No. 559669
Public Health Nurse Certificate No. 61151
16 Nurse Practitioner Certificate No. 15383
Nurse Practitioner Furnishing Certificate No.
17 15383

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about September 9, 1999, the Board of Registered Nursing issued Registered
25 Nurse License Number 559669 to Karen M. Galvez aka Karen Michelle Galvez ("Respondent").
26 The Registered Nurse License was in full force and effect at all times relevant to the charges
27 brought herein and will expire on August 31, 2013, unless renewed.
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1 3. On or about September 17, 1999, the Board of Registered Nursing issued Public
2 Health Nurse License Number 61151 to Respondent. The Public Health Nurse Certificate was in
3 full force and effect at all times relevant to the charges brought herein and will expire on August
4 31, 2013, unless renewed.

5 4. On or about November 5, 2004, the Board of Registered Nursing issued Nurse
6 Practitioner Certificate Number 15383 to Respondent. The Nurse Practitioner Certificate was in
7 full force and effect at all times relevant to the charges brought herein and will expire on August
8 31, 2013, unless renewed.

9 5. On or about July 22, 2005, the Board of Registered Nursing issued Nurse Practitioner
10 Furnishing Certificate Number 15383 to Respondent. The Nurse Practitioner Furnishing
11 Certificate was in full force and effect at all times relevant to the charges brought herein and will
12 expire on August 31, 2013, unless renewed.

13 **JURISDICTION AND STATUTORY PROVISIONS**

14 6. This Accusation is brought before the Board of Registered Nursing ("Board"),
15 Department of Consumer Affairs, under the authority of the following laws. All section
16 references are to the Business and Professions Code ("Code") unless otherwise indicated.

17 7. Section 2750 of the Code provides, in pertinent part, that the Board may discipline
18 any licensee, including a licensee holding a temporary or an inactive license, for any reason
19 provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

20 8. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
21 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
22 disciplinary action during the period within which the license may be renewed, restored, reissued
23 or reinstated.

24 9. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
25 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
26 licensee or to render a decision imposing discipline on the license. Section 2811(b) of the Code
27 provides, in pertinent part, that the Board may renew an expired license at any time within eight
28 years after the expiration.

10. Section 490 of the Code states, in pertinent part:

“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

11. Section 493 of the Code states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, ‘license’ includes ‘certificate,’ ‘permit,’ ‘authority,’ and ‘registration.’”

12. Section 2761 of the Code states, in pertinent part:

“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

...

1 (f) Conviction of a felony or of any offense substantially related to the
2 qualifications, functions, and duties of a registered nurse, in which event the record of
3 the conviction shall be conclusive evidence thereof."

4 13. Section 2762 of the Code states, in pertinent part:

5 "In addition to other acts constituting unprofessional conduct within the
6 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a
7 person licensed under this chapter to do any of the following:

8 (b) Use any controlled substance as defined in Division 10 (commencing
9 with Section 11000) of the Health and Safety Code, or any dangerous drug or
10 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or
11 in a manner dangerous or injurious to himself or herself, any other person, or the
12 public or to the extent that such use impairs his or her ability to conduct with safety to
13 the public the practice authorized by his or her license.

14 (c) Be convicted of a criminal offense involving the prescription,
15 consumption, or self-administration of any of the substances described in
16 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
17 record pertaining to, the substances described in subdivision (a) of this section, in
18 which event the record of the conviction is conclusive evidence thereof.

19 (d) Be committed or confined by a court of competent jurisdiction for
20 intemperate use of or addiction to the use of any of the substances described in
21 subdivisions (a) and (b) of this section, in which event the court order of commitment
22 or confinement is prima facie evidence of such commitment or confinement."

23 REGULATORY PROVISIONS

24 14. California Code of Regulations, title 16, section 1444, states, in pertinent part:

25 "A conviction or act shall be considered to be substantially related to the
26 qualifications, functions or duties of a registered nurse if to a substantial degree it
27 evidences the present or potential unfitness of a registered nurse to practice in a
28 manner consistent with the public health, safety, or welfare. Such convictions or acts
shall include but not be limited to the following..."

29 COST RECOVERY

30 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licentiate found to have committed a violation or violations of
32 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
33 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
34 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
35 included in a stipulated settlement.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Dangerous Use of Alcohol)**

3 19. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
4 Code as defined in section 2762, subdivision (b) of the Code on the grounds of unprofessional
5 conduct in that on or about February 17, 2012, Respondent used alcoholic beverages to an extent
6 or in a manner dangerous or injurious to herself, others and the public. The conduct is described
7 in more particularity in paragraph 18 above, inclusive and hereby incorporated by reference.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct: Conviction Involving Consumption Alcoholic Beverages)**

10 20. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
11 Code as defined in section 2762, subdivision (c) of the Code on the grounds of unprofessional
12 conduct in that on or about June 10, 2008, Respondent was convicted of a criminal offense
13 involving the consumption of alcoholic beverages. The conviction is described in more
14 particularity in paragraph 17 above, inclusive and hereby incorporated by reference.

15 21. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
16 Code as defined in section 2762, subdivision (c) of the Code on the grounds of unprofessional
17 conduct in that on or about May 4, 2012, Respondent was convicted of a criminal offense
18 involving the consumption of alcoholic beverages. The conviction is described in more
19 particularity in paragraph 18 above, inclusive and hereby incorporated by reference.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct: Commitment for Intemperate Use of Alcoholic Beverages)**

22 22. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
23 Code as defined in section 2762, subdivision (d) of the Code on the grounds of unprofessional
24 conduct in that on or about May 4, 2012, Respondent was committed or confined by a court of
25 competent jurisdiction for the intemperate use of alcoholic beverages. The conduct is described
26 in more particularity in paragraph 18 above, inclusive and hereby incorporated by reference.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Nursing Practice Act)**

3 23. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
4 Code in that Respondent violated provisions of the Nursing Practice Act. The violations are
5 described in more particularity in paragraphs 16 through 22, above, inclusive and hereby
6 incorporated by reference.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Board of Registered Nursing issue a decision:

10 1. Revoking or suspending Registered Nurse License Number 559669, issued to Karen
11 M. Galvez aka Karen Michelle Galvez;

12 2. Revoking or suspending Public Health Nurse Certificate Number 61151, issued to
13 Karen M. Galvez aka Karen Michelle Galvez;

14 3. Revoking or suspending Nurse Practitioner Certificate Number 15383, issued to
15 Karen M. Galvez aka Karen Michelle Galvez;

16 4. Revoking or suspending Nurse Practitioner Furnishing Certificate Number 15383,
17 issued to Karen M. Galvez aka Karen Michelle Galvez;

18 5. Ordering Karen M. Galvez aka Karen Michelle Galvez to pay the Board of Registered
19 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
20 Business and Professions Code section 125.3;

21 6. Taking such other and further action as deemed necessary and proper.
22

23 DATED: April 22, 2013

24 Louise R. Bailey
25 LOUISE R. BAILEY, M.ED., RN
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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